

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

TOBY W. BROWN,  
SO 84068,

Plaintiff,

v.

KATHRYN CROWE, *et al.*,

Defendants.

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Civil Action No. 7:17-cv-00096-M-BP

**RECOMMENDATION REGARDING REQUEST TO PROCEED**  
**IN FORMA PAUPERIS ON APPEAL**

By Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), before the Court are petitioner's *Applications to Proceed in District Court Without Prepaying Fees or Costs* seeking to proceed *in forma pauperis* on appeal, received October 26, 2018 (ECF No. 105) and November 6, 2018 (ECF No. 106).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is frivolous.

**If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).**

Signed January 14, 2019.

  
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Hal R. Ray, Jr.  
UNITED STATES MAGISTRATE JUDGE